IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (PIL) NO. 2127 OF 2004

Smt. Sitaben C. Joshi Charitable Trust ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. A.S. Bhalekar for the petitioner.
Mr. A. Sayed, Assistant Government Pleader, for respondent Nos. 1 to 4.
Mrs. P.A. Purandare for respondent Nos. 5 to 7.

CORAM: **DALVEER BHANDARI, C.J.** &
DR. D.Y. CHANDRACHUD, J.
DATE: **APRIL 20, 2005**.

P.C.

This petition has been filed in the wake of the horrible mishap which had occurred in Shree Krishna School at Kumbhakonam, Tamil Nadu. In that unfortunate incident, about 95 school children were burnt alive. In Maharashtra, most schools have not taken even minimum fire safety measures and schools do not have fire extinguishers. In this petition, the Court issued some directions and pursuant to that, some efforts have been made by Municipal Corporation of Greater Mumbai which we propose to deal in the following paragraphs.

2. Two separate affidavits have been filed, one by the Municipal Commissioner and another by the Deputy Director of Education (Primary Education). Mr. Johny Joseph, Municipal Commissioner, in his affidavit has mentioned that pursuant to the directions of this Court dated 1st September, 2004 and 15th September, 2004, for implementation of notification dated 27th July, 2004, the State Government has issued directions listing therein preventive measures to be taken by installation of fire fighting equipments in private and Government schools. The Corporation has issued circulars dated 31st July, 2004 and 2nd September, 2004. It is also incorporated in the affidavit that the Chief Fire Officer of the Corporation has conducted a survey of the municipal schools to ascertain the fire safety and after the said inspection, general fire safety guidelines from fire risk and life safety measures to be taken up in accordance with the directions issued by this Court as well as the notification issued by the State of Maharashtra, were issued and circulated to every municipal school on 26th July, 2004, 31st July, 2004, 3rd September, 2004, 6th September, 2004 and 14th September, 2004.

3. It is stated that the training had taken place for some teachers. These teachers have also been trained in theoretical and

practical training programme which was included in Disaster Management and execution and utilization of fire fighting equipment. In the said affidavit, details have been furnished regarding the phasewise programme which the Corporation has undertaken. In the Phase-I programme , 240 teachers in 4 batches would also be trained centrally from 15th October, 2004 till 26th October, 2004, in Fire Brigade Training Institute, Wadala.

4. In Phase-II, the said training would be decentralized at the local fire station at every ward level for one day in 3 batches on 23rd, 24th and 25th November, 2004. Teachers/Mali-cum-Caretakers/Peons and other administration as well as superior staff would be trained by the teachers who were trained as trainees in Phase-I.

5. In Phase-III, the programme would be conducted at school level and the same would be undertaken after installation of fire fighting equipment in individual school by 31st January, 2005. All teachers as well as students would be trained in this phase with demonstration and evacuation drill. It is stated that the said programme had taken place.

6. In addition to the aforementioned measures, the following measures also are being undertaken.

(i) The installation of fire extinguishers shall be undertaken as stated above. The learned counsel for the Corporation submits that fire extinguishers have already been installed.

(ii) The schools have been directed that no cooking should be undertaken in any of the B.M.C. Run schools;

(iii) No inflammable material be kept in school;

(iv) Posters would be distributed and displayed in every school in most prominent areas or on notice Board of the school by 15th December, 2004. It is submitted that posters have already been affixed.

7. It is mentioned in the affidavit that he had already estimated a budget of Rs. 81,62,626.36 for the purpose of procurement and installation of fire extinguishers. It is also mentioned that further budgetary provision would be made for regular training regarding Disaster Management in the Education Department Budget from Accounting Year 2005-2006. It is further mentioned that all extinguishers and sand buckets should be of I.S.I. Certification mark. Every electric meter main/meter board at each school building would be provided with one ABC type fire extinguisher coupled with pair of

buckets filled with dry clean sand. All computer rooms (extension/proposed) would be provided with CO2 type fire extinguishers having capacity of 3 kilos each. All floors of the school buildings would be provided with ABC type dry chemical powder fire extinguisher on each floor. It is further stated that the Corporation should ensure in future continuous implementation of the fire fighting measures as suggested and required.

8. Similarly, an affidavit has also been filed by the Deputy Director of Education (Primary Education), in which it is mentioned that fire fighting equipments would be installed within six months i.e. on or before 31st August, 2005 in the Central Primary Schools in the first instance. For this purpose, the State of Maharashtra has sanctioned Rs. 2 crores out of the contingent grant of 4 per cent for purchasing fire fighting equipments for primary schools run by Zilla Parishad for the year 2004-2005. It is mentioned that there are 4825 Central Primary Schools in the State of Maharashtra. It is stated that the fire fighting equipments are to be purchased from MSSIDC, Mumbai, and as per the price schedule of MSSIDC, delivery of fire fighting equipments is to be made available within 45 days from the receipt of the order. This facility which they are going to provide in the first phase must be

extended to all schools in the State of Maharashtra.

9. We may also observe that priority must be given to install fire fighting equipments in the schools meant for the physically handicapped and visually impaired children without any further loss of time.

10. No further directions are necessary in this petition. This petition is accordingly disposed of.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.